THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.4118 of 2006

DATED:16.03.2006

Between:

Indo-American Super Specialities Limited, represented by Dr.K.Satyanarayana, Director and another. ..Petitioners

And

The District Collector, Guntur, Guntur District. and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.4118 of 2006

ORDER:

The petitioners assailed the letter, dated 18-02-2006, issued by the second respondent herein to the learned counsel for the petitioners refusing to give copies of ten documents and also details regarding certain amounts deposited. The petitioners also seek a writ of Mandamus declaring the land acquisition proceedings initiated for acquiring an extent of 6261.06 square yards of land belonging to the petitioners, as illegal and unjust.

Though interlocutory matters are listed, the writ petition itself is being disposed of finally with the consent of the parties, as the controversy is very narrow field.

The first respondent herein issued a notification under Section 4(1) of the Land Acquisition Act, 1894 ('the Act', for brevity), proposing to acquire the land in new town survey No.568/2 (Revenue Ward No.5, Block No.7), admeasuring 6261.06 square yards, belonging to the petitioners for a public purpose to wit for construction of citizen service center. The petitioners filed a writ petition, being W.P.No.26071 of 2005, seeking a writ of Mandamus declaring the said notification under Section 4(1) of the Act, as arbitrary and illegal. This Court disposed of the writ petition by an order, dated 30-12-2005, directing the Land Acquisition Officer to conduct enquiry under Section 5-A of the Act. Thereafter, the petitioners submitted their objections on 28-01-2006 raising various grounds. While the enquiry before the second respondent was pending, the petitioners submitted a letter through their counsel on 13-02-2006 requesting the second respondent to furnish copies of as many as ten documents and details of payments by the requisitioning department. They contend that they would require the said documents to substantiate their contentions objecting the land acquisition. By impugned letter, dated 18-02-2006, the second respondent while rejecting the request to furnish copies of the documents, informed the learned counsel for the petitioners to peruse the documents on 25-02-2006, which are kept available in the office of the second respondent.

The learned counsel for the petitioners submits that unless and until the documents asked for are furnished to the petitioners, they will not be able to substantiate their objections and any enquiry under Section 5-A of the Act would be rendered ineffective. Secondly, he would submit that the second respondent himself is holding

the post of Secretary of Vijayawada Urban Development Authority, and therefore, being requisitioning authority appointed by the Vice-Chairman of Vijayawada Urban Development Authority, he cannot conduct enquiry under Section 5-A of the Act.

Learned Assistant Government Pleader for Revenue (Land Acquisition) refutes the above contentions.

Under the Right to Information Act, 2005 ('the RI Act', for brevity), it is always permissible for a Public Authority to deny information or refuse the documents, which are enumerated in Section 8 of the RI Act. In this case, though the second respondent wants to permit the petitioners to peruse the documents kept in the office, copies were denied. This is not in accordance with the provisions of the Act. Be it noted, as per Section
2(j) of the RI Act, right to information means right to information accessible under the Act and includes inspection of the documents and taking certified copies of the documents. Having permitted the counsel for the petitioners to peruse the documents, if copies are not furnished, the same would be illogical and illegal. Having regard to this, this Court is convinced that the impugned letter, dated 18-02-2006, cannot be sustained.

Insofar as the other two submissions pointed out by the learned counsel for the petitioners, even according to him the enquiry under Section 5-A of the Act is pending and in view of the orders of this Court passed earlier in W.P.No.26071 of 2005, dated 30-12-2005, these questions cannot be permitted to be raised here. It shall be open to the petitioners to raise all the grounds in a separate writ petition as and when the declaration under Section 6 of the Act is issued by the competent authority after receiving the report of enquiry under Section 5-A of the Act.

The writ petition is accordingly disposed of, directing the second respondent to furnish the documents as mentioned in the impugned order within a period of one week from the date of receipt of a copy of this order. Till then, there shall be *status quo* as on today. No costs.

_____

(V.V.S.RAO,J)

Dated:16.03.2006

GJ